

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/2009 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David R. Schaffer on 2/25/2009.

The application has been amended as follows:

In claim 1, line 5, "the cover portion" has been changed to --a cover portion--; and in line 7, "a cover" has been changed to --the cover--.

In claim 6, line 2, --portion-- has been inserted after "cover".

In claim 8, line 2, --portion-- has been inserted after rim and "the freeboard" has been changed to --a freeboard--.

In claim 9, line 1, "1" has been changed to --5--; line 2, --portion-- has been inserted after "rim" and "cover" and "domed" has been changed to --dome-shaped--.

In claim 13, line 2, --portion-- has been inserted after "cover".

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In claim 15, line 2, --portion-- has been inserted after rim and “the freeboard” has been changed to --a freeboard--.

In claim 16, line 1, “2” has been changed to --12--; line 2, --portion-- has been inserted after “rim” and “cover” and “domed” has been changed to --dome-shaped--.

Claims 17 and 18 have been cancelled.

Claim 19, line 1, --a water storage tailings facility-- has been inserted after “for”; in lines 4 and 6, --portion-- has been inserted after “rim”; in line 8, “a cover” has been changed to --the cover--; and in line 14, “and defines an air space” has been changed to --and defines said air space--.

In claim 20, line 2, --portion-- has been inserted after “rim” and “the freeboard” has been changed to --a freeboard--.

In claim 21, line 2, --portion-- has been inserted after “rim” and “cover”.

REASONS FOR ALLOWANCE

3. The following is an examiner’s statement of reasons for allowance: The prior art does not disclose a floating water surface cover module including a rim portion and a plurality of closed air-filled buoyancy pockets spaced around the rim portion and a cover portion for giving buoyancy to the module and wherein the cover portion includes indentations spaced around a perimeter of the cover portion that nest with the closed air-filled buoyancy pockets of the modules when stacked, generally as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Claims 1, 2, 5-9, 12-16, and 19-21 are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESUS D. SOTELO whose telephone number is 571-272-6686.

The examiner can normally be reached on Mon. - Fri. 7:00 AM -3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JESUS D. SOTELO/
Primary Examiner, Art Unit 3617

2 March 2009